

MAYOR AND COUNCIL OF HURLOCK

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MARCH 28, 2011 TOWN MEETING MINUTES

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THE MAYOR AND COUNCIL OF HURLOCK MET IN REGULAR SESSION AT THE TOWN HALL ON MONDAY, MARCH 28, 2011 WITH MAYOR JOYCE SPRATT, COUNCIL MEMBERS CHARLES CEPHAS, MICHAEL NORDSTROM, CHRISTOPHER ADAMS, PARKER DURHAM, MICHAEL HENRY, AND CLERK/TREASURER KATHLEEN CLOUGH AND TOWN ATTORNEY HUGH CARTER VINSON PRESENT.

MAYOR SPRATT CALLED THE MEETING TO ORDER AT 6:00 P.M. FOLLOWING THE PLEDGE OF ALLEGIANCE AND INVOCATION, UPON MOTION MADE BY COUNCIL MEMBER NORDSTROM AND SECONDED BY COUNCIL MEMBER DURHAM, THE COUNCIL UNANIMOUSLY APPROVED THE SCHEDULED AGENDA.

MAYOR'S REPORT

MAYOR SPRATT ASKED TOWN ATTORNEY HUGH CARTER VINSON TO EXPLAIN THE REASON THE AUDIT COMMUNICATIONS WERE NOT PART OF THE OPEN WORKSHOP. TOWN COUNSEL VINSON READ THE CAVEAT IN THE COMMUNICATIONS REPORT WHICH STATES: "THESE COMMUNICATIONS ARE INTENDED SOLELY FOR USE OF THE MAYOR AND COUNCIL OF HURLOCK, MARYLAND, AND MANAGEMENT OF THE TOWN AND ARE NOT INTENDED TO BE AND SHOULD NOT BE USED BY ANYONE OTHER THAN THESE SPECIFIED PARTIES."

HOWEVER, IN THE INTEREST OF TRANSPARENCY THAT MAYOR SPRATT PROMISED, THE REPORT HAS BEEN RELEASED TO THE PRESS.

MAYOR SPRATT REPORTED THAT THE PLANS FOR SUBWAY HAVE BEEN CHANGED, THE ENTIRE DESIGN IS BEING REDONE, USING THE NEW HURLOCK LOCATION AS THE FLAGSHIP FOR ALL OTHERS TO BE MODELED AFTER, THROUGHOUT THE STATE OF MARYLAND. ALL PERMITS ARE IN PLACE, BUT DUE TO THE DESIGN CHANGE, AND THE NEED TO MOVE A UTILITY TO THE OTHER SIDE OF THE BUILDING, START OF CONSTRUCTION WILL BE DELAYED FOR A NUMBER OF WEEKS. MAYOR SPRATT SAID THOSE WHO HAVE BEEN SAYING SUBWAY IS NOT COMING TO HURLOCK ARE WRONG.

MAYOR SPRATT EXPLAINED THAT AS WE HAVE GONE ALONG IN THE NEW ADMINISTRATION, WE CONTINUE TO COME ACROSS THINGS THAT NEED TO BE CORRECTED. ONE OF THE MOST RECENT FINDINGS IS THAT ALL ELECTED OFFICIALS, UNLESS THEY ARE ALREADY A PART OF A LOCAL GOVERNMENT RETIREMENT PLAN, MUST BE PART OF THE TOWN OF HURLOCK'S STATE OF MARYLAND RETIREMENT/PENSION PLAN. COUNCIL MEMBER CEPHAS HAS BEEN A MEMBER FOR NEARLY TWELVE YEARS WITH THE TOWN MATCHING HIS CONTRIBUTION OF 5% OF SALARY AS TAX DEFERRED COMPENSATION. ONLY COUNCIL MEMBER CEPHAS AND FORMER MAYOR BRADLEY WERE PARTICIPATING AND RECEIVING THE TOWN'S CONTRIBUTION TOWARD THEIR PENSION. MAYOR SPRATT STATED THAT SHE HAD NEVER BEEN INFORMED THAT SHE WAS ELIGIBLE OR THAT IT WAS MANDATED BY THE STATE, THAT SHE, AS A COUNCIL MEMBER, BE INCLUDED IN THIS RETIREMENT PLAN.

CONSEQUENTLY, MAYOR SPRATT WILL HAVE TO NOW CONTRIBUTE A LARGE AMOUNT OF MONEY GOING BACK TO HER TENURE AS A COUNCIL MEMBER AS WELL AS THE PAST FIFTEEN MONTHS AS MAYOR, AND THE TOWN WILL ALSO HAVE TO PAY THE MATCHING AMOUNT FOR THAT TIME PERIOD. IN ADDITION, OTHER COUNCIL MEMBERS,

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WHO ARE NOT A MEMBER OF ANOTHER LOCAL RETIREMENT PLAN, WILL HAVE TO DO THE SAME THING, AS THE STATE MANDATES ELECTED OFFICIALS PARTICIPATE. THIS MONEY HAD NOT BEEN BUDGETED, BUT WILL BE INCLUDED IN THE FISCAL YEAR 2011/2012 BUDGET.

**PRESENTATION**

KEN CARLSON OF SHORE SCAN, LOCATED ON KENT ISLAND, MARYLAND, MADE A PRESENTATION TO THE MAYOR AND COUNCIL OF NEXT GENERATION DOCUMENT TECHNOLOGY TO STREAMLINE ADMINISTRATIVE FUNCTIONS AND TO COMPLY WITH RECOMMENDATIONS OF THE TOWN'S AUDITOR THAT HAVE BEEN MADE FOR THE PAST SEVERAL YEARS. THIS SYSTEM ALLOWS THE TOWN GOVERNMENT DOCUMENTS TO BE MORE SECURE AND PROVIDES FOR DISASTER RECOVERY. THE SYSTEM IS INTERNET BASED SO THERE IS NO SOFTWARE TO PURCHASE OR UPGRADE. SHORE SCAN PROVIDES A MONTHLY BACK-UP CD TO THE TOWN FOR IT'S OWN ON-SITE ARCHIVES.

COUNCIL MEMBER DURHAM QUESTIONED WHETHER SUCH A PURCHASE WOULD NEED TO GO OUT TO BID. MR. CARLSON EXPLAINED THAT HE IS LOCAL, SUPPORT IS LOCAL, AND SHORE SCAN IS THE ONLY PROVIDER ON THE EASTERN SHORE. COUNCIL MEMBER DURHAM EXPRESSED CONCERN ABOUT A LONG TERM COMMITMENT AND SAID THERE ARE OTHER VENDORS ON THE WESTERN SHORE, AND PERHAPS SUCH A SYSTEM COULD EVEN BE BROUGHT IN-HOUSE.

**APPROVAL OF MINUTES**

UPON MOTION MADE BY COUNCIL MEMBER DURHAM AND SECONDED BY COUNCIL MEMBER NORDSTROM, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF MARCH 14, 2011.

UPON MOTION MADE BY COUNCIL MEMBER NORDSTROM AND SECONDED BY COUNCIL MEMBER HENRY, THE COUNCIL UNANIMOUSLY APPROVED THE MINUTES OF FEBRUARY 28, 2011.

UPON MOTION MADE BY COUNCIL MEMBER CEPHAS AND SECONDED BY COUNCIL MEMBER NORDSTROM, THE COUNCIL APPROVED THE MINUTES OF FEBRUARY 14, 2011 WITH AN AMENDMENT TO STRIKE THE PARAGRAPH REFERRING TO THE MOTION TO TABLE THE MOTION OF COUNCIL MEMBER DURHAM TO LIMIT COUNCIL COMPENSATION ON PAGE FOUR (4); THE MOTION DIED WITH A TIED VOTE OF 2-2. COUNCIL MEMBER HENRY ABSTAINED FROM THE VOTE TO APPROVE THE MINUTES, AS HE WAS NOT PRESENT AT THE FEBRUARY 14, 2011 MEETING.

**Department Reports**

POLICE CHIEF HUTTON REPORTED THAT THERE HAVE BEEN A NUMBER OF METAL THEFTS AND ASKED RESIDENTS TO BE AWARE. FOUR RADIATORS HAD BEEN TAKEN OUT OF ONE YARD AND THESE THIEVES ARE PREYING ON CITIZENS. THE POLICE OFFICERS HAVE BEEN EDUCATED ON THE TOWN OF HURLOCK NOISE ORDINANCE. IT IS IMPORTANT TO REPORT VIOLATORS TO THE POLICE, AS IT WILL BE THE PRACTICE TO ISSUE A WARNING FIRST, BEFORE A CITATION.

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FOR SUBSEQUENT OFFENSES, VIOLATORS WILL AGAIN BE ISSUED A WARNING BEFORE A SECOND CITATION IS ISSUED. CHIEF HUTTON STRESSED THAT WITH THE WARMER WEATHER, ALL RESIDENTS SHOULD BE AWARE OF CREATING A NOISE DISTURBANCE. PART OF THE ORDINANCE MANDATES THAT THERE IS TO BE NO GRASS CUTTING OR USE OF POWER EQUIPMENT AFTER 10:00 P.M. AND NO CONSTRUCTION BEFORE 7:00 A.M.

PLANNING AND CODES ENFORCEMENT OFFICER JOHN AVERY REPORTED THAT THE TOWN HAS ISSUED A FEW MORE BUILDING PERMITS AND THAT THINGS ARE GOING IN THE RIGHT DIRECTION.

HE ALSO STATED THAT THERE IS A HOUSE ON JONES STREET THAT HAD CARS, LAWN MOWERS, AND OTHER JUNK IN THE YARD. THE HOUSE WAS SOLD AT THE TAX SALE AND HAS BEEN CLEANED UP AND RENOVATIONS ARE BEING MADE. MR. AVERY REPORTED THAT THERE IS THE SAME SITUATION ON DORCHESTER AVENUE.

CLERK/TREASURER KATHLEEN CLOUGH REPORTED TO THE COUNCIL THAT THE TOWN RECEIVED A CHECK FROM THE COUNTY FOR DELINQUENT TAXES IN THE FIRST HALF OF FISCAL YEAR 2011 IN THE AMOUNT OF ONE THOUSAND EIGHT HUNDRED FIFTY-TWO DOLLARS AND 59 CENTS (\$1,852.59) PURSUANT TO

**§ 2-610 of the Tax General Article, Annotated Code of Maryland.**

MRS. CLOUGH ADDITIONALLY INFORMED THE COUNCIL THAT THE TOWN HAD RECEIVED THE MEMORANDUM FROM C. JOHN SULLIVAN, JR., DIRECTOR, STATE OF MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION CERTIFYING THAT THE TOWN OF HURLOCK HAS BEEN EXEMPTED FROM THE PROVISIONS OF § 6-308 OF THE TAX-PROPERTY ARTICLE; THE TAX RATE WILL REMAIN THE SAME TO MAINTAIN THE CONSTANT YIELD TAX RATE.

MRS. CLOUGH ADVISED THE MAYOR AND COUNCIL THAT THE GOVERNOR'S OFFICE FOR CRIME CONTROL AND PREVENTION (GOCCP) HAD DENIED THE TOWN'S NOVEMBER 2010 APPLICATION FOR THE EDWARD J. BYRNE JUSTICE ASSISTANCE GRANT (BJAG) PROGRAM FOR LICENSE PLATE READERS DUE TO OVERWHELMING RESPONSE AND LIMITED FUNDING.

FINALLY, CLERK/TREASURER CLOUGH GAVE THE MAYOR AND COUNCIL NOTICE THAT THE TOWN HAD RECEIVED CORRESPONDENCE FROM THE CHIEF OF THE ACCOUNTING OPERATIONS DIVISION, MARYLAND STATE HIGHWAY ADMINISTRATION, MARYLAND DEPARTMENT OF TRANSPORTATION, UPDATING THE TOWN ON THE REVISIONS TO THE ESTIMATED HIGHWAY USER FUNDS TO BE ALLOCATED TO THE TOWN OF HURLOCK, BASED ON REVENUE FORECAST AND THE FORMULA CHANGES ENACTED DURING THE 2010 LEGISLATIVE SESSION. THE HUR ESTIMATED TO BE PAID TO THE TOWN OF HURLOCK FOR FISCAL YEARS 2011 AND 2012 ARE \$5,552.91 AND \$5,722.15 RESPECTIVELY. THESE DISTRIBUTIONS WILL BE MADE QUARTERLY. THESE AMOUNTS CONTRAST WITH THE TOWN'S HISTORICAL AND BUDGETED AMOUNT OF HUF OF \$162,000.

RESIDENT EARL MURPHY ANNOUNCED SEVERAL UPCOMING COMMUNITY EVENTS.

**Old Business**

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Election of Council President Article III, § 301 of the Charter of the Town of Hurlock, Maryland. § 301. Number, Selection, Term.

*The Council shall elect one of its members as its President. The Council President shall serve as the presiding officer at Council meetings in the absence of the Mayor."*

COUNCIL MEMBER PARKER DURHAM MADE A MOTION, SECONDED BY COUNCIL MEMBER MICHAEL NORDSTROM, TO AMEND THE HURLOCK TOWN CHARTER TO ABOLISH THE POSITION OF COUNCIL PRESIDENT, EXPLAINING THAT IT SERVES NO PURPOSE AND IT RECENTLY HAS CAUSED ARGUMENTS AND THAT THE PERCEPTION BY SOME WAS THAT IT CARRIED MORE WEIGHT THAN IT DOES, AND THAT IT HAS CAUSED MORE PROBLEMS THAN IT IS WORTH.

AFTER DISCUSSION, THE MOTION WAS DEFEATED WITH A VOTE OF 2-3; COUNCIL MEMBER DURHAM AND NORDSTROM VOTING AYE AND COUNCIL MEMBERS CEPHAS, ADAMS, AND HENRY VOTING NAY.

COUNCIL MEMBER DURHAM THEN NOMINATED HIMSELF AS COUNCIL PRESIDENT, AS DID COUNCIL MEMBER CEPHAS. BY A MAJORITY VOTE, COUNCIL MEMBER CEPHAS WAS ELECTED AS COUNCIL PRESIDENT.

COUNCIL MEMBER CEPHAS MOVED TO RESCIND THE COUNCIL'S PREVIOUS ADOPTED REDUCTION IN COUNCIL SALARY TO BE CAPPED AT \$10,000 OF COMPENSATION, AND TO INCREASE IT TO \$12,000. THE MOTION WAS SECONDED BY COUNCIL MEMBER ADAMS. THE MOTION FAILED WITH A VOTE OF 3-2; VOTE:

VOTES :

COUNCIL MEMBER ADAMS	AYE
COUNCIL MEMBER NORDSTROM	NAY
COUNCIL MEMBER CEPHAS	AYE
COUNCIL MEMBER DURHAM	NAY
COUNCIL MEMBER HENRY	NAY

COUNCIL MEMBER CHARLES CEPHAS REQUESTED THAT HIS MOTIONS BE TABLED UNTIL REVISIONS CAN BE MADE TO RESOLUTION 2011-1; CHARTER AMENDMENT TO ARTICLE IV. § 403. SALARY OF THE MAYOR, AND RESOLUTION 2011-2; CHARTER AMENDMENT TO § 404 B. POWERS AND DUTIES (GENERAL).

FOLLOWING COUNCIL REMARKS, THERE BEING NO FURTHER BUSINESS, THE COUNCIL UNANIMOUSLY MOVED TO ADJOURN AT 7:50 P.M.

RESPECTFULLY SUBMITTED,

KATHLEEN L. CLOUGH, M.S.  
CLERK/TREASURER